

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL TERRY,

CIVIL DIVISION

Plaintiff;

Docket No.:

vs.

CITY OF PHILADELPHIA,

COMPLAINT IN CIVIL ACTION

Defendant.

Filed on behalf of Plaintiff:
MICHAEL TERRY

Counsel of Record for this Party:
Steven Auerbach, Esquire, LL.M.
Law Office of Steven T. Auerbach
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Pa. I.D. #317309

JURY TRIAL DEMANDED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL TERRY,)	CIVIL DIVISION
Plaintiff;)	
)	Docket No.:
vs.)	
)	
CITY OF PHILADELPHIA,)	
Defendant.)	

I. COMPLAINT IN CIVIL ACTION

Plaintiff Michael Terry (“Mr. Terry” or “Plaintiff”), by and through his undersigned counsel, Law Office of Steven T. Auerbach, hereby files this Complaint against the City of Philadelphia (“Defendant”)(together, the “Parties), and in support thereof, avers as follows:

II. INTRODUCTION

1. This action is brought to remedy claims of employment discrimination and retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 *et seq* (“Title VII”); the Pennsylvania Human Relations Act, 43 PA. Cons. Stat. § 951 *et seq* (“PHRA”); and under the Philadelphia Fair Practices Ordinance, 9 Phila. Code § 1101 *et seq* (“PFPO”).

2. More specifically, Plaintiff seeks redress for a continuing hostile and retaliatory hostile environment, together and along with claims of disparate treatment and retaliation which consisted of frequently-repeated anti-black slurs, degrading anatomical remarks, acts of physical intimidation, and disparate enforcement of Defendant policies and allocation of overtime earning opportunities.

3. Consequently, Plaintiff seeks injunctive and declaratory relief; economic, compensatory, and punitive damages; attorneys’ fees, and all other appropriate relief pursuant to governing law.

III. JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 1343(a)(4) because it arises under the laws of the United States and seeks redress for violations of Title VII, a federal law. There lies supplemental jurisdiction over Plaintiff's PHRA and PFPO claims because they arise out of the same common nucleus of operative facts as Plaintiff's federal claims asserted herein.

5. This Court may properly maintain personal jurisdiction over Defendant because its contact with this Commonwealth and this judicial district are sufficient for the exercise of jurisdiction, complying with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945), and its progeny.

6. Pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2), venue is properly laid in this district because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district, and defendants are deemed to reside where they are subject to personal jurisdiction, rendering Defendant a "resident" of the Eastern District of Pennsylvania.

IV. PARTIES

7. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

8. Plaintiff is an African American adult citizen of the United States and is a resident of Philadelphia, Pennsylvania.

9. At all times relevant to this action, Plaintiff was and remains an "employee" of Defendant within the meaning of Title VII, the PHRA, and the PFPO.

10. Defendant is a city and municipality organized under the laws of Pennsylvania and maintains a principal place of business in Philadelphia, Pennsylvania.

11. Defendant is engaged in industries affecting interstate commerce and regularly conducts business in the Commonwealth of Pennsylvania.

12. Defendant has and continues to employ over five hundred (500) employees per calendar year for at least the last five (5) years, and engages in a variety of revenue-generating business activities.

13. At all times relevant to this action, Defendant operated and operates the Philadelphia Sheriff's Department (the "Sheriff's Department") which is a department responsible for the safety of Philadelphia Courtrooms. Plaintiff is currently employed in the Sheriff's Department as a Deputy Sheriff's Officer ("DSO") in the Transportation Unit.

14. At all times relevant to this action, Defendant was the "employer" of the Plaintiff within the meaning of Title VII, the PHRA, and the PFPO.

15. At all times relevant herein, Defendant acted by and through its agents, servants and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendant.

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

16. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

17. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

18. From May 9, 2017 through the present, Plaintiff filed a series of oral and written complaints with Defendant Captains, Internal Affairs ("IAD"), and the Mayor's Office of Labor Relations ("ERU") regarding the mistreatment that he and others endured by supervisor, Mr. Robert Castelli ("Mr. Castelli").

19. Because Defendant failed to abate Mr. Castelli's abuse, Plaintiff filed a timely charge of continuing employment discrimination and retaliation with the the Pennsylvania Human Relations Commission ("PHRC") on January 21, 2019 and directed same to cross-file with the United States Equal Employment Opportunity Commission ("EEOC").

20. By operation of Plaintiff's administrative filing, and with respect to his Title VII and PFPO claims, this Court is authorized to review all discrete discriminatory and retaliatory acts that occurred on or after March 27, 2018. With respect to his PHRA claims, this Court is authorized to review all discrete discriminatory and retaliatory acts that occurred on or after July 25, 2018. All "continuing-violations," however, may be reviewed, regardless of timing, provided that there is a showing of adverse action of the same type that have occurred both before and after the above dates. *Nat'l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 115-16 (2002).

21. Plaintiff received his "Right to Sue" notice from the EEOC after May 5, 2022.

22. Plaintiff commenced the initial, unamended action within ninety (90) days of receipt of this notice.

VI. FACTUAL ALLEGATIONS

23. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

24. In October of 2005 and extending through the present (the "Term of Employment"), Plaintiff worked for Defendant in a variety of capacities.

25. Throughout the Term of Employment, Plaintiff consistently demonstrated excellent performance and dedication to the Defendant. Plaintiff performed his job duties and responsibilities in a highly competent manner and has routinely received positive feedback.

ADVERSE EMPLOYMENT ACTIONS

26. Throughout the Term of Employment, Plaintiff reported to Mr. Castelli (White).

27. Defendant has failed to sufficiently train or supervise Mr. Castelli.
28. Consequently, Defendant permitted or failed to prevent Mr. Castelli's sexualized posturing of Plaintiff's co-workers. For example:
- a. On June 6, 2017, Mr. Castelli said of Plaintiff's co-worker, Mr. David Rosenblit, that his "nose was bigger than his cock;"
 - b. On October 8, 2018, Mr. Castelli called Plaintiff a "Pussy, Pussy, Pussy;" and
 - c. On January 23, 2019, Mr. Castelli pointed to a used tampon on the floor and asked Mr. Rosenblit if it was his.
29. Defendant permitted or failed to prevent Mr. Castelli's sexually/asexually-charged, anti-Black posturing of Plaintiff. For example:
- a. On December 12, 2018, Mr. Castelli glared at Plaintiff and called him a "Black Pussy;"
 - b. On May 1, 2017, Mr. Castelli ridiculed Plaintiff by saying that he "Must have not given [a female Philadelphia Court of Common Pleas Judge] his Black cock;"
 - c. On January 1, 2017, Mr. Castelli disparaged Plaintiff by volunteering that a co-worker, Belinda Cruz, would "Never fuck a Black man like him;"
 - d. In 2009, said that he was on the " 'Black List'¹ with 3 others (African Americans);
30. Defendant permitted or failed to prevent Mr. Castelli's racial intimidation and threatening of Plaintiff. For example:
- a. On February 17, 2015, Mr. Castelli told Plaintiff that he enjoyed "beating the shit out of a black man;"
 - b. On November 8, 2018, Mr. Castelli followed Plaintiff into a secluded bathroom and said, "You're not tough, Pussy;"
 - c. On November 8, 2018, Mr. Castelli referred to Plaintiff as a "Pussy, Pussy, Pussy;"

¹ A group of perceived undesirable Black men.

- d. On January 31, 2019, Mr. Castelli positioned himself outside of camera view and stared Plaintiff down; and
- e. In 2014, on October 27, 2017, and again on August 23, 2019, Mr. Castelli stalked Plaintiff at his home in the middle of the night.

31. Defendant permitted or failed to prevent its own and Mr. Castelli's disparate enforcement of its policies against Plaintiff. For example:

- a. On June 22, 2017, Mr. Castelli disciplined Plaintiff for his permitting prisoners to wear designer belts in court, a rule not enforced against White DSOs; and
- b. On January 18, 2018, Mr. Castelli ignored Plaintiff's request for sick assistance.

32. Defendant disparately treated Plaintiff because of his race and/or because of his below-described protected activity. For example:

- a. On March 21, 2021, Defendant ceased offering Plaintiff overtime and doubletime-earning opportunities. On information and belief, Plaintiff is the only DSO in Plaintiff's unit not to earn overtime and/or doubletime; and
- b. On May 10, 2021, Defendant transferred Plaintiff from the Criminal Justice Court to Traffic Division Courthouse, a division with less prestige and fewer promotional opportunities.

33. The repeated anti-black slurs, degrading anatomical remarks, acts of physical intimidation against Plaintiff is severe harassment.

34. Plaintiff's race was a substantial motivating factor in this harassment.

35. Plaintiff believes, and therefore avers, that were he not an African American, he would not have been treated in this manner.

36. This harassment detrimentally affected Plaintiff's mental health through feelings of depression and anxiety.

37. This harassment would detrimentally affect a reasonable person in like circumstances.

PROTECTED ACTIVITY

38. On multiple occasions, from May 9, 2017 through the present, Plaintiff filed oral and written complaints of Mr. Castelli.

39. These complaints related to anti-Black harassment that Plaintiff endured or other forms of prohibited discrimination that Plaintiff observed and opposed. For example:

- a. On May 9, 2017, Plaintiff complained to IAD that he believed he was the victim of discrimination and retaliation by Mr. Castelli; and
- b. In the Summer of 2017, Plaintiff complained to Captain Evans that Mr. Castelli had said of Mr. Rosenblit (a Jewish man), that "his nose was bigger than his cock" and on multiple occasions disparaged his ethnic food.

40. Plaintiff also opposed Mr. Castelli's unlawful actions by participating in Defendant investigations. For example:

- a. On August 22, 2019, Plaintiff was interviewed by the ERU.

41. As indicated above, Plaintiff engaged in activity protected under Title VII, the PHRA, and the PFPO.

42. Shortly after engaging in protected activity, Defendant retaliated against Plaintiff. For example:

- a. On August 22, 2019, Plaintiff was interviewed by the ERU;
- b. On August 23, 2019, Mr. Castelli stalked Plaintiff at his home.

43. Defendant's repeated anti-black slurs, degrading anatomical remarks, acts of physical intimidation against Plaintiff were sufficiently adverse as to potentially dissuade a reasonable worker from making or supporting a charge of discrimination.

44. Defendant's actions are causally-connected to Plaintiff's protected activity by sequence, by unusually suggestive temporal proximity, and by the non-isolated pattern of antagonism.

45. The above-referenced actions are severe and/or pervasive retaliation which changed the terms and conditions of Plaintiff's employment.

46. Plaintiff believes, and therefore avers, that had he not participated in protected activity, he would not have been treated in this manner.

47. The above-referenced actions detrimentally affected Plaintiff through mental anguish and a loss of wage.

48. A reasonable person in like circumstances would be similarly affected.

COUNT I: TERRY V. CITY OF PHILADELPHIA

-Title VII-

Discrimination, Retaliation, Hostile Environment, & Retaliatory Hostile Environment

49. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

50. By committing the foregoing acts of discrimination and retaliation against Plaintiff, Defendant has violated Title VII.

51. Defendant's actions, as set forth above, has created a hostile work environment for Plaintiff, which Defendant County unreasonably failed to prevent, remedy, and/or correct.

52. As a direct and proximate result of Defendant's violation of Title VII, Plaintiff has suffered the damages and losses set forth herein and has incurred attorney's fees and costs.

53. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant's discriminatory and retaliatory acts unless and until this Court grants the relief requested herein.

54. No previous application has been made for the relief requested herein.

COUNT II: TERRY V. CITY OF PHILADELPHIA

-PHRA-

Discriminaiton, Retaliation, Hostile Environment, & Retaliatory Hostile Environment

55. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

56. By committing the foregoing acts of discrimination and retaliation against Plaintiff, Defendant has violated the PHRA.

57. Defendant's actions, as set forth above, has created a hostile work environment for Plaintiff, which Defendant County unreasonably failed to prevent, remedy, and/or correct.

58. As a direct and proximate result of Defendant's violation of the PHRA, Plaintiff has suffered the damages and losses set forth herein and has incurred attorney's fees and costs.

59. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant's discriminatory and retaliatory acts unless and until this Court grants the relief requested herein.

60. No previous application has been made for the relief requested herein.

COUNT III: TERRY V. CITY OF PHILADELPHIA

-PFPO-

Discriminaiton, Retaliation, Hostile Environment, & Retaliatory Hostile Environment

61. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

62. By committing the foregoing acts of discrimination and retaliation against Plaintiff, Defendant has violated the PFPO.

63. Defendant's actions, as set forth above, has created a hostile work environment for Plaintiff, which Defendant County unreasonably failed to prevent, remedy, and/or correct.

64. The Defendant's wrongful acts were done with a reckless or callous disregard of, or indifference to, the rights and safety of Plaintiff.

65. As a direct and proximate result of Defendant's violation of the PFPO, Plaintiff has suffered the damages and losses set forth herein and has incurred attorney's fees and costs.

66. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant's discriminatory and retaliatory acts unless and until this Court grants the relief requested herein.

67. No previous application has been made for the relief requested herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:


- a. Issue a declaratory judgment that the acts, policies, and practices complained herein are in violation of Title VII, the PHRA, and the PFPO; and
- b. Enjoin the Defendants from continuing its acts, policies, and practices which violate Title VII, the PHRA, and the PFPO; and
- c. Direct Defendant to reinstate/promote Plaintiff to the position he would have occupied but for the Defendant's unlawful conduct, making him whole for all earnings he would have received but for the Defendant's unlawful conduct, including but not limited to wages, overtime, bonuses and other lost benefits; and
- d. Direct the Defendant to make Plaintiff whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, with interest, in amounts to be determined at trial; and

- e. Direct the Defendant to make Plaintiff whole by providing compensation for past and future non-pecuniary losses caused by the above unlawful conduct, including pain and suffering, emotional distress, indignity, loss of enjoyment of life, loss of self-esteem, and humiliation, in amounts to be determined at trial; and
- f. Grant an award of costs of suit, expert fees and other disbursements, along with reasonable attorneys' fees;
- g. Grant an award of punitive damages against the Defendants for their violations of the PFPO; and
- h. Grant such other relief as the Court deems necessary and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to FRCP 38(b), Plaintiff demands a trial by jury on all questions of fact raised by the complaint.

LAW OFFICE OF STEVEN T. AUERBACH

By: 
Steven Auerbach, Esquire, LL.M.
822 Montgomery Ave.
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(215) 964-4410
Auerbach.Steven@gmail.com

Attorney for Plaintiff

Dated: July 22, 2022

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Michael Terry

(b) County of Residence of First Listed Plaintiff

Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Law Office of Steven T. Avery
822 Montgomery Ave. #210
Narberth, PA 19072

(215) 964-4410

DEFENDANTS

City of Philadelphia

County of Residence of First Listed Defendant

Philadelphia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 626 Property 21 USC 881	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 690 Other		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities/Exchange
				<input type="checkbox"/> 890 Other Statutory Actions
				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII, PHRA, PFOA
Brief description of cause: Employment Discrimination + Retaliation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 7/22/22 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 2272 Saint Vincent Street. Philadelphia, PA 19149

Address of Defendant: 1515 Arch St. Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia

RELATED CASE, IF ANY:

Case Number: - Judge: - Date Terminated: -

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 07/22/2022

Must sign here
Attorney-at-Law / Pro Se Plaintiff

317309

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Steven Auerbach, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☒ Relief other than monetary damages is sought.

DATE: 07/22/2022

Sign here if applicable
Attorney-at-Law / Pro Se Plaintiff

317309

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.